

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive A-235
Issued 3/30/00

SUBJECT: Local Emphasis Program (LEP) for Pesticides and guidelines for scheduling and conducting inspections where pesticides are used, stored or manufactured in all types of occupational settings.

AFFECTED CODES/

DIRECTIVES:

1. OAR 437 Division 4, Agriculture, Division 4 includes 40 CFR 170 the Worker Protection Standard
2. OAR 437 Division 1, Administrative Rules
3. OAR 437 Division 2, 437 Subdivision I, Personal Protective Equipment 437 Subdivision Z, Hazard Communication, 437 Subdivision Z, Thiram
4. OAR Division 6, Forest Activities
5. OR-OSHA SOP 34, Local Emphasis Programs and Experimental Programs
6. OR-OSHA PD A-219 Complaint Policies and Procedures
7. OR-OSHA PD A-174, Guidelines for Implementing the Field Sanitation Standard

PURPOSE: To establish the methods the enforcement staff will use to provide effective, efficient and consistent enforcement inspections in the variety of occupational sites where pesticides are made, used and stored. Pesticides are of concern in the agricultural sector due to the large numbers of potentially exposed farm workers. There is a need for a centralized pesticide reporting system within Oregon OSHA, to ensure that the most extensive and complete information is available to interested parties. Comprehensive reporting will allow a more accurate measure of the extent to which OR-OSHA is addressing pesticide issues and protecting workers with regard to pesticides.

BACKGROUND: A national emphasis has been placed on the use of pesticides due to the cumulative effects of exposure and far reaching impacts. Pesticides have the ability to elicit poisoning through acute exposure, as well as the ability to produce chronic effects such as a variety of cancers, birth defects, reproductive disorders, dermatitis, diseases of the lymphatic system, peripheral neuropathy, other neurological disorders and respiratory disease. Pesticides are used throughout society, from structural use - homes, schools, businesses; agricultural use; forestry use; right of way use - including airports, business grounds, power line clearance, treatment during storage or transport; wood preservatives and treatments; and medicinally as treatment against internal and external parasites.

Occupationally, those exposed to pesticides include those who formulate and manufacture, those who mix and apply the various formulations in a wide variety of settings, and those who are exposed to the residues. In addition, exposure can occur during accidents in transport exposing emergency response personnel as well as the exposures resulting to hospital personnel when a poisoned individual is treated in the emergency room.

Two groups of individuals, the grower and their employees, can receive multiple exposures from the food they eat, exposures during work as applicators, and exposures to residues from living in the area surrounded by treated fields and orchards.

SCOPE:

For this first year Oregon OSHA will focus on the following Standard Industrial Classifications (SICs):

0139 - *Includes Hops, Hay, Grass Seed, Alfalfa Farms, Mint, Potatoes, Timothy & Yams*

This SIC was chosen due to the amounts and toxicity of pesticides used. Work practices include application equipment involving greater levels of exposure, and greater dermal contact with the growing and/or harvested portion of the plants. (See attached list of pesticides labeled for use on hops.) (attachment 1)

0171 - *Includes Berry Farms, Blackberry, Blueberry, Cranberry, Loganberry, Raspberry, and Strawberry Farms.*

This SIC was chosen due to the amounts and toxicity of pesticides used. Work practices, including harvest, involve large numbers of workers. Dermal exposure is limited to hands, forearms, and legs.

(See attached list of pesticides labeled for use on Berries, Raspberries and Strawberries) (attachment 1)

0172 - *Includes Grape Farms and Vineyards.*

This SIC was chosen due to the amounts and toxicity of pesticides used. Work practices involve large numbers of workers and near total body exposure during training and harvest.

(See attached list of pesticides labeled for use on Grapes.) (attachment 1)

0175 - *Includes Apples, Apricots, Cherry, Peaches, Pear, Plum and Prunes.*

This SIC was chosen due to the amounts and toxicity of pesticides used. Work practices involve large numbers of workers for pruning and harvest. Pesticide applications are made on a frequent basis.

(See attached list of pesticides labeled for use on apples.) (attachment 1)

Criteria
for determining
inspection
List -

Annual
List

PROGRAM

COORDINATION:

To coordinate Oregon OSHA's enforcement efforts and maintain uniformity, a Pesticide Coordinator will be identified. The Pesticide Coordinator will serve as the representative for the Manager of Enforcement on the Pesticide Analytical Response Center's (PARC) bi-monthly meetings. (OR-OSHA will work closely with the Oregon Department of Agriculture to minimize overlap, increase referrals, and coordinate reporting to the Environmental Protection Agency.)

The Pesticide Coordinator will be the contact for PARC referrals and will disseminate the information to the Health Enforcement Managers for assignment to staff. The Pesticide Coordinator will be the Oregon OSHA contact for the EPA Region 10, for enforcement related pesticide issues. When Compliance officers are exposed to pesticides, they will notify the Pesticide Coordinator for follow up.

ACTION:

This directive applies to all places of employment where pesticides are used, stored or manufactured.

OR-OSHA will ensure that all Safety and Health Compliance Officers (S/HCO) conducting pesticide inspections are provided with this directive and instructed in any applicable rules, letters of interpretation and other appropriate directives relating to pesticides prior to conducting pesticide inspections.

(A) Training:

OR-OSHA S/HCOs designated by Health Enforcement Managers will receive specific initial training regarding pesticides. They will receive four hours of Agricultural Health training, four hours of Worker Protection Standard (WPS) training (which will include field sanitation and reforestation inspections) and eight hours of training on Pesticides.

To ensure uniformity and an adequate understanding of the rules, particular emphasis will be given to compliance officers during basic training, ongoing training, and additional training as necessary. Training will include methods OR-OSHA compliance officers will take to prevent pesticide exposures to themselves during inspection activity.

(B) Inspections:

Agriculture operations tend to be seasonal and of short duration, affected by type and location of crops and duration of the season. In order to effectively schedule pesticide related inspections, the following guidelines will be used:

1. When OR-OSHA receives a complaint alleging violations relating to pesticides the procedures outlined in Program Directive A-219 (Complaint Policies and Procedures) and the Field Inspection Reference Manual (FIRM) will be followed.
2. When a referral is received, the procedures outlined in the FIRM will be followed.

3. Due to the short duration of agricultural operations, every effort will be made to process complaints and referrals concerning alleged violations and notices of pesticide related activities as quickly as possible. The Agency's response to a notice of pesticide related activity will depend on the operation involved, number of employees exposed, current status of the operation and whether or not there are known pesticide poisonings.
4. A scheduling list will be developed with the specified SICs and prioritized using accepted and denied disabling claims from workers' compensation data and toxicological data. The scheduling list will take into account the seasonable variations.

The Health Enforcement Managers will provide assigned Compliance Officers a list of inspections that are assigned in descending order. The Compliance Officer will make a reasonable effort to inspect each employer on that list prior to receiving another list, however, failure to inspect all employers on a list will not invalidate subsequent inspections. The Compliance Officer's list will generally be followed in descending order but may be inspected in any order to utilize the Compliance Officer's time efficiently.

Inspections will be focused on pesticide issues including training, personal protective equipment, emergency assistance, and supervision. All inspections will include, but are not limited to, the following actions:

Pre:

1. Evaluating the best time for conducting the inspection, taking into consideration the crop or activity season, type of operation, and the time of day of the activity.
2. Evaluating the need for, and availability of, an interpreter to be used during interviews with applicators and communication with the owner/operator. **DO NOT RELY ON EMPLOYER OR EMPLOYER REPRESENTATIVE AS AN INTERPRETER.** (attachment 2)
3. Evaluating the need for inspection assistance based on size of facility, past history, time of visit, or any other considerations.

NOTE: S/HCOs will work with the Health Enforcement Managers, or their designees, to coordinate these considerations. The best use of resources will be considered.

During:

1. Conducting inspections in accordance with all applicable rules and directives.
NOTE: Safety Compliance Officers will conduct partial Worker Protection Standard (WPS) inspections, as specified in Guidelines for Implementing the Filed Sanitation Standard PD A-174, and make referrals to health enforcement for pesticide application activities.
2. Collecting pertinent information necessary to make adequate referrals to other sections/agencies (e.g., identification of public water systems for referral to the Oregon Health Division, and possible OR-OSHA farm labor camp referral).
3. Conducting interviews with a representative number of applicators or other employees using an interpreter when necessary.

Post:

1. Completing paperwork in accordance with all applicable rules and directives.
2. OSHA-1 Completion: Current instructions for completing the OSHA-1, as found in the Integrated Management Information System Manual (IMIS) will be used with the following additional instructions:
 - (a) All pesticide related inspections will be identified on the OSHA-1 by entering the LEP (Pesticide) in block 25.c., and by entering S-11 WPS, in block 42.

EVALUATION:

The pesticide program will be reviewed annually to determine if the elements of effective, efficient and consistent enforcement inspections are being met, and if not, that those elements not being met are identified and measures taken to correct them.

A yearly report will be ^{compiled} ~~compiled~~, by the Pesticide Coordinator, to include the types of violations found, the number of employees affected, the penalties cited, and the number of inspections completed. Inspection activity in all regions will be reported to the Pesticide Coordinator.

**EFFECTIVE
DATE:**

This directive is effective immediately and will remain in effect until canceled or superseded.

Attachment 1

PESTICIDE LIST

(Including but not limited to the following:)

Name	Berries	Hops	Apples	Grapes
<i>Insecticides</i>				
Azinphos methyl	X		X	X
Chlorpyrifos	X		X	X
Diazinon	X	X	X	X
Dimethoate			X	X
Endosulfan	X		X	X
Fonofos	X			
Methomyl	X			
Methoxychlor	X		X	X
Methyl parathion				X
Naled	X	X		
Oxydemeton-methyl	X			
Phosmet			X	
<i>Herbicides</i>				
2,4-D	X		X	
Diuron	X		X	
Paraquat dichloride	X	X	X	
<i>Fumigants</i>				
Chloropicrin	X		X	X
Methyl Bromide	X		X	X
<i>Nematicides</i>				
Fenamiphos	X		X	

PESTICIDE LIST (Con't)
(Including but not limited to the following:)

Name	Berries	Hops	Apples	Grapes
Fungicides				
Benomyl	X		X	X
Captan	X		X	X
Calcium polysulfide			X	
Copper Hydroxide	X	X	X	X
Dicofol	X	X	X	
Dithane				X
Maneb			X	
Metalaxyl	X	X		
Propargite		X		
Sulfur	X		X	
Thiram	X		X	
Vinclozolin	X			

Attachment 2

The following are OR-OSHA staff who can act as interpreters if requested and their time permits. However if there is not an OR-OSHA staff member available please follow the instructions listed below to obtain services.

OR-OSHA translators

SPANISH

Tomas Schwabe, Central	503-947-7436
Brenda Camacho, PFO	503-229-5779 ext. 310
Ed Contreras, PFO	503-229-5779 ext. 243
Dale Matlock, PFO	503-229-5779 ext. 238
Roel Solis, SFO	503-378-5301 ext. 256
Edwin Lopez, PFO	503-229-5779 ext. 228

RUSSIAN

Elizaveta Sedirstaya	503-229-5779 ext. 225
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Procedures for attaining an interpreter from the WCB Contract:

After obtaining your manager's approval call anyone on the list.

Let them know you are with the Department of Consumer & Business Services, OR-OSHA and your need.

Schedule the time and place to meet.

The interpreter will bring you an invoice/purchase order for signature. Sign and return to them.

Upon returning to the office, e-mail Janet Kahler at Central with the optional report number, name of the employer, date and time plus the hours worked.

WCB INTERPRETER CONTRACT NO. I 1997

This list is valid through June of 2001

Certified = Certified by the State Court Administrative Program for court appearances

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Global Language Services 503-762-1990
11918 ES Division Ste 110
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